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November 16, 2001

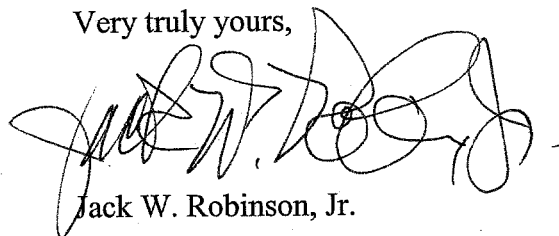
David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Docket to Determine the Compliance of BellSouth Telecommunications, Inc.'s
Operations Support Systems with State and Federal Regulations*
Docket No. 01-00362

Dear Mr. Waddell:

Enclosed please find the original and thirteen copies of AT&T Communications of the South Central States, Inc. and TCG MidSouth, Inc.'s Motion to Compel Filing of a Compliant Regionality Matrix and To Strike Testimony in the above referenced matter.

Very truly yours,



Jack W. Robinson, Jr.

JWRjr/ghc

cc: All parties of record

In re: **Docket to Determine the Compliance
of BellSouth Telecommunications, Inc.'s
Operations Support Systems with State
and Federal Regulations**

Docket No.: 01-00362

**AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, INC.
AND TCG MIDSOUTH, INC
MOTION TO COMPEL FILING OF A COMPLIANT REGIONALITY MATRIX AND TO
STRIKE TESTIMONY**

AT&T Communications of the South Central States, Inc. and TCG MidSouth, Inc. (collectively "AT&T") hereby request that the Tennessee Regulatory Authority ("TRA" or "Authority") compel BellSouth Telecommunications, Inc. ("BellSouth") to file a regionality matrix that complies with the Order Establishing Issues and Procedural Schedule issued by the Authority on September 13, 2001 (the "September 13th Order"). AT&T also requests that the Authority strike Mr. McElroy's testimony in its entirety, which is consistent with the Authority's Order Resolving Procedural Motions dated November 14, 2001 (the "November 14th Order").

ARGUMENT

I. THE AUTHORITY SHOULD ORDER BELLSOUTH TO FILE A COMPLIANT REGIONALITY MATRIX.

At the pre-hearing conference on November 8, 2001, the Authority found that BellSouth did not file the regionality matrix required by its September 13th Order, and directed BellSouth to file such a matrix by November 13, 2001.¹ BellSouth filed a matrix on November 13th, but the

¹ OSS Docket, Transcript of November 8, 2001 Pre-Hearing Conference, at 47-48.

filed matrix still does not comply with the requirements of the Authority's September 13th Order. Accordingly, AT&T requests that the Authority compel BellSouth to file a compliant regionality matrix and provide Competitive Local Exchange Carriers ("CLECs") with sufficient time and opportunity to rebut such matrix prior to the hearing in the first week of December.

The Authority's September 13th Order required BellSouth to "[p]rovide a matrix classifying each Tennessee process identified in Issue 1 into the categories identified above."² Issue 1 of the September 13th Order provided:

Using the processes, sub-processes and activities identified by the Florida and Georgia Public Service Commissions for OSS testing as a starting point, identify all the OSS processes, systems, and procedures used by BellSouth to provide wholesale elements and services in Tennessee.

Id. The "categories identified above" were:

Identify those Tennessee processes, systems and procedures that:

- a. Are the same, physically and functionally, as those used to support BellSouth's Florida operations.
- b. Differ from those used to support BellSouth's Florida operations. Explain in detail any differences.
- c. Are the same, physically and functionally, as those used to support BellSouth's Georgia operations.
- d. Differ from those used to support BellSouth's Georgia operations. Explain in detail any differences.
- e. Are significant to the development of competition in Tennessee.

² September 13th Order, at 9.

Id.

The regionality matrix that BellSouth filed on November 13th does not comply with the clear directions in the Authority's September 13th Order. Instead of identifying its Tennessee OSS processes, systems and procedures, BellSouth identifies the evaluation criteria from the third party tests in Georgia and Florida. Evaluation criteria from third party tests, however, simply are not the OSS processes, systems, and procedures used to support wholesale elements and services in Tennessee. Indeed, KPMG defined "evaluation criteria" at page 11 of the Georgia Supplemental Test Plan as follows:

Evaluation criteria are the norms, benchmarks, standards, and guidelines used to evaluate measures identified for testing. Evaluation criteria provide a framework for the scope of tests, the types of measures that must be taken during testing, and the approach necessary for analyzing results.

Thus, merely restating the evaluation criteria used in the Georgia and Florida third party tests is not an appropriate substitute for identifying the actual OSS processes, systems, and procedures that BellSouth uses to support its wholesale operations in Tennessee.

In addition to failing to identify its Tennessee OSS processes, systems, and procedures, BellSouth failed to identify even the most obvious physical and functional differences in the OSS evaluated in the Georgia and Florida third party tests and those currently used to support wholesale elements and services in Tennessee. Rather, by placing "yes" in every square of its regionality matrix, BellSouth suggests (implicitly if not explicitly) that its Tennessee OSS are physically and functionally the same as those tested in Georgia and Florida. The following three examples demonstrate that BellSouth's regionality matrix is inaccurate and misleading:

1. It is undisputed that BellSouth's Local Carrier Service Centers ("LCSC") use different systems to process partially mechanized and manual local service requests ("LSRs"). For the former Southern Bell states, BellSouth uses the Direct Order Entry ("DOE") system. For the former South Central Bell states, BellSouth uses the Service Order Negotiation System ("SONGS"). BellSouth's regionality matrix, however, does not identify this difference.
2. It is undisputed that wholesale services and elements are provisioned by local service technicians. Thus, the personnel performing "hot cuts" in Tennessee are not the same personnel performing "hot cuts" in Georgia and Florida. BellSouth's regionality matrix, however, does not identify this difference.
3. It is undisputed that the Georgia third party test did not evaluate the functioning of the OSS99 software that BellSouth currently uses to support wholesale services and elements in Tennessee. BellSouth's regionality matrix, however, does not identify this difference.

These are just three of the most glaring errors in BellSouth's regionality matrix.

We understand that it is BellSouth's position that its OSS are regional despite physical differences because such differences are allegedly immaterial. Moreover, we acknowledge BellSouth's right to make its immateriality argument at the hearing. Nevertheless, the Authority's September 13th Order requires BellSouth to identify any **physical** or **functional** differences in its OSS. One of the purposes of the Phase I hearing is to determine whether such differences are material. By failing to comply with the letter and spirit of the Authority's Order, BellSouth is continuing to frustrate the orderly and efficient conduct of this proceeding as it has

throughout this entire docket. Accordingly, AT&T requests the Authority to compel BellSouth to file a matrix in compliance with the Authority's Order of September 13, 2001.

II. THE AUTHORITY SHOULD STRIKE MR. MCELROY'S DIRECT TESTIMONY IN ITS ENTIRETY.

The stated purpose of Mr. McElroy's direct testimony "is to provide the Authority with information about the Georgia and Florida OSS testing conducted by KPMG, along with that or regionality testing conducted by PricewaterhouseCoopers."³ On November 2, 2001, AT&T moved to strike Mr. McElroy's direct testimony in its entirety. At the pre-hearing conference on November 9, 2001, the Pre-Hearing Officer ruled that it would strike that portion of Mr. McElroy's direct testimony relating to Phase II issues: namely, the reliability of third party test results.⁴ The Pre-Hearing Officer did not strike the remainder of Mr. McElroy's testimony relating to the Georgia third party test and the PWC attestation, presumably because the Pre-Hearing Officer anticipated that BellSouth would comply with its orders regarding the conditions under which KPMG's Georgia Test Reports and the PWC attestation would be admitted into the record.

³ McElroy Direct at 2.

⁴ AT&T would like to inform the Authority that AT&T counsel provided BellSouth counsel (Mr. Hicks and Ms. Foshee) with proposed redactions to the direct testimony of Mr. McElroy via electronic mail at 11:39 a.m. on Monday, November 12, 2001 as required by the Authority's ruling on this matter. AT&T counsel also requested status on the proposed redactions from BellSouth counsel via electronic mail at 10:21 a.m. on Wednesday, November 14, 2001. BellSouth counsel responded immediately by advising AT&T that they have the proposed redactions and will review them. As explained above, however, those redactions may have been rendered moot or obsolete by the Authority's November 14th Order because the redactions did not include testimony regarding the scope of the Georgia third party test or the PWC attestation.

Subsequent to the November 9th Pre-Hearing Conference, BellSouth did not comply with the Authority's Orders. Accordingly, the Authority issued its November 14th Order, which provided in pertinent part that "the Pre-Hearing Officer hereby strikes the Report on Georgia's OSS completed by KPMG and the PWC Report and Attestation and BellSouth is prohibited from presenting evidence from these reports during the hearing."⁵ AT&T asserts that the Authority's November 14th Order effectively requires that Mr. McElroy's testimony be stricken in its entirety because the express purpose of that testimony was to provide information from the reports that are no longer in the record. Accordingly, AT&T renews its request in its prior Procedural Motion that Mr. McElroy's testimony be struck in its entirety.⁶

CONCLUSION

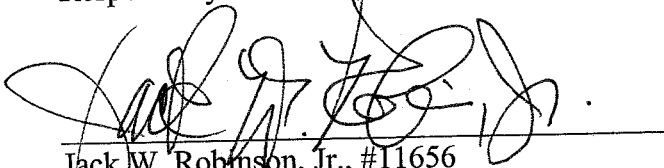
BellSouth continues to flout the Authority's Orders by failing to submit a compliant regionality matrix. AT&T respectfully requests that the Authority direct BellSouth to file a compliant regionality matrix promptly, and provide CLECs with reasonable time and opportunity

⁵ November 14th Order at 24.

⁶ Out of an abundance of caution, AT&T will proceed with submitting Ms. Norris' testimony rebutting Mr. McElroy's direct testimony on November 20, 2001, as required under the Authority's current Orders. Ms. Norris' testimony will be based on the assumption that Mr. McElroy's direct testimony will mirror the proposed redactions that AT&T submitted to BellSouth on November 12, 2001. Should the Authority grant AT&T's motion and strike Mr. McElroy's testimony in its entirety. Ms. Norris' rebuttal testimony regarding the Georgia third party test may be moot. To the extent it is rendered moot, AT&T may request to withdraw such testimony.

to submit testimony or other evidence in rebuttal. In addition, AT&T request that the Authority strike Mr. McElroy's direct testimony in its entirety. Such actions are appropriate to ensure fairness and due process in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack W. Robinson, Jr.", is written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Compel Filing of a Compliant Regionality Matrix and to Strike Testimony on behalf of AT&T Communications of the South Central States, Inc. and TCG MidSouth, Inc. in Docket No. 01-00362 was served by Facsimile and/or U.S. mail on the following parties of record this 16th day of November, 2001:

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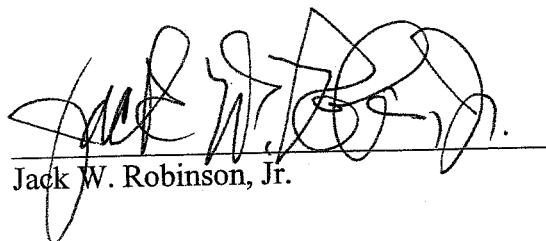
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